

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption of Rule I)	NOTICE OF ADOPTION AND
and amendment of ARM 37.78.102,)	AMENDMENT
37.78.416, 37.78.420, 37.78.807, and)	
37.78.832 pertaining to temporary)	
assistance for needy families (TANF))	

TO: All Interested Persons

1. On July 6, 2006, the Department of Public Health and Human Services published MAR Notice No. 37-387 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules, at page 1720 of the 2006 Montana Administrative Register, issue number 13.

2. The department has adopted New Rule I (37.78.812) as proposed.

3. The department has amended ARM 37.78.102, 37.78.416, 37.78.420, 37.78.807, and 37.78.832 as proposed.

4. The department has thoroughly considered all commentary received. The comments received and the department's response to each follow:

COMMENT #1: The Parents as Scholars Program would help some get out of poverty. Commentor noted that men can earn \$10 right off the street when they look for jobs. Women need education in order to make the same amount.

RESPONSE: The department supports the adoption of Rule of the Parents as Scholars Program and understands the role of education in the wage structure. However, based on the strict regulations contained in the TANF Reauthorization included in the Deficit Reduction Act of 2005, the department has no option but to place the Parents as Scholars Program on hold as post secondary education is not an allowable activity under the regulations. The department is proceeding with adoption of the rule so that it will have power to implement the program if federal authority allows. The department points out that Vocational Educational training is an allowable work activity under the regulations, even though the 12 month lifetime limit still applies to this work activity and it is somewhat restrictively defined.

COMMENT #2: Commentor noted that it was a problem that the Parents as Scholars Program is limited to 56 families when there are over 200 families who need it. One commentor noted that Montana has limited employment and education opportunities in rural areas. Commentor doesn't support the idea of excluding two parent families from the program. Access to education is essential. The state needs to be creative and advocate for families.

RESPONSE: Unfortunately, participation in the Parents as Scholars Program, if it were to go into effect, is limited to single parent families and a finite number of families based on the impact participation in this program will have on the federal work participation rates. Failure to meet the federal work participation rate would result in monetary penalties to the state. At this time, the department has no option but to restrict participation based on the reality of the monetary penalties.

The department agrees with the comment regarding the state being creative in defining educational opportunities for families. We will take this comment under advisement.

COMMENT #3: Commentor noted that minimum wage does not take care of all normal expenses. Most recipients are mothers with babies. Commentor agrees with the supportive services program increases.

RESPONSE: The department has no further comment, but does support the increase.

COMMENT #4: The 3% increase in TANF is not enough. Work support payments are essential and commentor supports the continuation of these payments.

RESPONSE: The department accepts the comment that the increase in TANF payments still is not sufficient. However, at this time, there is no plan to increase TANF payments, based on the department's budget. The department does intend to continue work support payments to eligible participants.

COMMENT #5: Commentor noted that the increase in funding to TANF families is only \$62.00. The total amount of TANF funding doesn't even cover rent.

RESPONSE: The department accepts the comment that the increase in funding to TANF families was a minimal amount for most families. The department also recognizes that in some communities in Montana affordable housing or rent is difficult to find. However, at this time, there is no plan to increase TANF payments, based on the department's budget.

/s/ Francis Clinch
Rule Reviewer

/s/ Russell Cater for
Director, Public Health and
Human Services

Certified to the Secretary of State September 25, 2006.